

House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 194

SENATE BILL 1141

AN ACT

AMENDING SECTION 32-1104, ARIZONA REVISED STATUTES; RELATING TO THE REGISTRAR
OF CONTRACTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1104, Arizona Revised Statutes, is amended to
3 read:

4 32-1104. Powers and duties

5 A. The registrar, in addition to other duties and rights provided for
6 in this chapter, shall:

7 1. Maintain an office in Phoenix and in such other cities and towns in
8 the state as the registrar deems advisable and necessary.

9 2. Maintain a complete indexed record of all applications and licenses
10 issued, renewed, terminated, cancelled, revoked or suspended under this
11 chapter, including timely notation of any judicial disposition on appeal, for
12 a period of not less than seven years.

13 3. Furnish a certified copy of any license issued or an affidavit that
14 no license exists or that a license has been cancelled or suspended including
15 information as to the status on appeal of such cancellation or suspension,
16 upon receipt of the prescribed fee, and such certified copy shall be received
17 in all courts and elsewhere as prima facie evidence of the facts stated
18 therein. The registrar shall also furnish certified copies of license bonds
19 or cash deposit certificates upon receipt of the prescribed fee. Fees
20 charged pursuant to this paragraph shall be at a rate of ten dollars per
21 hour, except that the minimum fee charged pursuant to this paragraph shall be
22 ten dollars.

23 4. Employ such deputies, investigators and assistants and procure such
24 equipment and records as are necessary to enforce this chapter. With respect
25 to the enforcement of section 32-1164, the registrar or the registrar's
26 investigators are vested with the authority to issue a citation to any
27 violators of this chapter in accordance with section 13-3903. When the
28 registrar or the registrar's investigators conduct investigations they are
29 authorized to receive criminal history record information from the department
30 of public safety and other law enforcement agencies.

31 5. Make rules the registrar deems necessary to effectually carry out
32 the provisions and intent of this chapter. Such rules shall include the
33 adoption of minimum standards for good and workmanlike construction. In the
34 adoption of such rules of minimum standards, the registrar shall be guided by
35 established usage and procedure as found in the construction business in this
36 state. If the rules of minimum standards adopted by the registrar are in any
37 manner inconsistent with a building or other code of the state, a county,
38 city or other political subdivision or local authority of the state,
39 compliance with such code shall constitute good and workmanlike construction
40 for the purposes of this chapter.

6. Apply the following to proposed rule changes:

(a) The registrar of contractors ~~shall~~, at the time the registrar files notice of proposed rule change with the secretary of state in compliance with title 41, chapter 6, SHALL mail to each trade association that qualifies in accordance with subdivision (b) ~~of this paragraph~~, and any other individual holding a bona fide contractor's license who qualifies in accordance with subdivision (b) ~~of this paragraph~~, a copy of the notice of proposed rule change.

(b) Every trade association in this state allied with the contracting business that files a written request that a notice be mailed to it and shows that the association has an interest in the rules of the registrar of contractors shall receive a copy thereof, as set forth in subdivision (a) ~~of this paragraph~~. Such filing of a request shall be made every two years during the month of January, and it shall contain information as to the nature of the association and its mailing address. Any duly licensed contractor who files a written request shall receive a copy of the proposed rule changes in accordance with this paragraph. Each such request shall be made every two years during the month of January.

7. Prepare and furnish decals and business management books when deemed advisable by the registrar. A reasonable fee may be charged for such decals and business management books.

B. The registrar may develop and institute programs to do any of the following:

1. Educate the public and contractors licensed pursuant to this chapter regarding statutes, rules, policies and operations of the agency.

2. Assist in the resolution of disputes IN AN INFORMAL PROCESS before a reportable written complaint is filed. THE REGISTRAR SHALL NOTIFY THE LICENSED CONTRACTOR IN AN ALLEGED DISPUTE BEFORE A WRITTEN COMPLAINT IS FILED AND ALLOW THE CONTRACTOR THE OPPORTUNITY TO BE PRESENT AT ANY INSPECTION REGARDING THE ALLEGED DISPUTE. THE REGISTRAR SHALL GIVE THE CONTRACTOR AT LEAST FIVE DAYS' NOTICE BEFORE THE INSPECTION. ISSUES IN THE ALLEGED DISPUTE UNDER THIS SECTION SHALL NOT BE LIMITED IN NUMBER AND SHALL NOT BE CONSIDERED FORMAL WRITTEN COMPLAINTS. THE HOMEOWNER RESERVES THE RIGHT TO DENY ACCESS TO THE CONTRACTOR UNDER THIS INFORMAL COMPLAINT PROCESS. THE REGISTRAR SHALL NOTIFY THE CONTRACTOR AND THE HOMEOWNER IN WRITING OF THE REGISTRAR'S FINDINGS WITHIN FIVE DAYS AFTER THE DATE OF THE INSPECTION. THE REGISTRAR SHALL NOT POST ANY INFORMATION REGARDING THE INFORMAL COMPLAINT PROCESS AS PART OF A LICENSEE'S RECORD ON THE REGISTRAR'S WEBSITE.

3. Develop, manage, operate and sponsor construction related programs designed to benefit the public in conjunction with other private and public entities.

C. The registrar may adopt rules for the posting of names of applicants and personnel of applicants for contractors' licenses and furnish copies of such posting lists upon written request. The name and address of the applicant, together with the names and addresses and official capacity of

1 all persons associated with the applicant who have signed the application,
2 shall be publicly posted in the place and manner to be prescribed by the
3 registrar for a period of not less than twenty days, except as otherwise
4 provided in this subsection, commencing on the day designated by the
5 registrar of contractors. The registrar may waive a part of the posting
6 period when the records reflect that the applicant or qualifying party has
7 previously undergone the twenty day posting for a previous license. A
8 reasonable charge of not to exceed two dollars per month may be made for
9 compilation, printing and postage for such posting lists.

10 D. The registrar may accept voluntary gifts, ~~grant~~ GRANTS or matching
11 monies from public agencies or enterprises for the conduct of programs that
12 are authorized by this section or that are consistent with the purpose of
13 this chapter.

14 Sec. 2. Emergency

15 This act is an emergency measure that is necessary to preserve the
16 public peace, health or safety and is operative immediately as provided by
17 law.

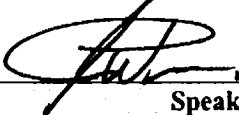
APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

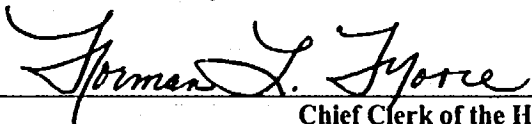
Passed the House April 11, 20 05,

by the following vote: 55 Ayes,

3 Nays, 2 Not Voting
With Emergency



Speaker of the House

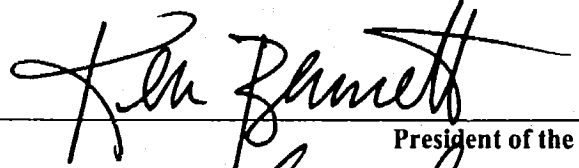


Chief Clerk of the House

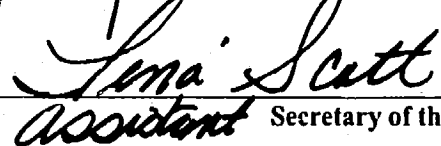
Passed the Senate February 15, 20 05,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate


~~Assistant~~

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1141

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 18, 2005,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumett
President of the Senate
Chaima Bellent
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 8:05 o'clock a. M.

Wendell Ibarra
Secretary to the Governor

Approved this 25 day of

April, 2005,

at 7:45 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1141

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.

[Signature]
Secretary of State